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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

DEC 30 2008

REPLY TO THE ATTENTION OF:
Southern Illinois Railcar Site
Site ID#: B5QP

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Keith Bouquet
Southern Illinois Railcar
SC Rail Leasing America, Inc.
1803 Ramada Blvd, Suite 8201
Collinsville, IL 62234

RE: Southern Illinois Railcar Site, 7570 Ottawa Road, Cairo, Allen County, Ohio (Site ID# B5QP) - General Notice of Potential Liability

Dear Mr. Bouquet:

The United States Environmental Protection Agency (U.S. EPA) has documented and investigated the release or threat of release of hazardous substances, pollutants, or contaminants at the Southern Illinois Railcar Site, Cairo, Allen County, Ohio ("Southern Illinois Railcar Site", "SIR", "the Site", or "the facility"). The facility is adjacent to and discharging ammonia to Warrington Ditch.

On August 2, 2008, Ohio EPA documented a drainage trench on the SIR property discharging a dark brown liquid. Field-testing showed the dark brown liquid contained ammonia levels as high as 1000 ppm. On December 3, 2009, Allied Environmental Services (AES) working on behalf of SIR provided U.S. EPA with analytical results showing ammonia as high as 3,130 mg/L (under Ohio Administrative Code Section 3745-1-07, the maximum default criteria for ammonia in the Warrington Ditch is 13 mg/L). Ammonia is classified as a hazardous substance under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), Section 101(14).

The U.S. EPA has reviewed the effects of this hazardous substance release on the public health, welfare or the environment and concluded that a response action addressing conditions at the Site is necessary to protect the public health, welfare or the environment. U.S. EPA will expend public funds to take this action pursuant to CERCLA, 42 U.S.C. § 9601 *et seq.*, as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat.

1613 (1986) (SARA), unless U.S. EPA determines that such action will be done properly by a responsible party or parties.

Responsible parties under CERCLA include the current and former owners and operators of the facility, persons who generated the hazardous substances, and persons who were involved in the transport, treatment, or disposal of hazardous substances at the Site. Under Section 107(a) of CERCLA, where U.S. EPA expends public funds in responding to and cleaning up hazardous substances, responsible parties are liable for all costs associated with the response action and all other necessary costs incurred in cleaning up the Site, including investigation, planning, and enforcement-related costs.

U.S. EPA is currently planning the following response actions to mitigate threats posed by the presence of hazardous substances at the Site:

- 1) Develop and implement a site-specific Health and Safety Plan, Site Assessment Plan, and Removal Work Plan;
- 2) Prevent ammonia and high-pH liquids from leaving the Site while investigation work is performed;
- 3) Characterize, remove, and properly dispose of hazardous substances (contaminated soils and liquids) located at the Site, which may pose an imminent threat, in accordance with U.S. EPA's Off-Site Rule (40 C.F.R. § 300.440); and
- 4) Develop engineering controls to manage or prevent run-off from leaving the property boundary or entering adjoining waterways.

U.S. EPA has received information that your client may have owned or operated the facility or generated or transported hazardous substances that were disposed of at the facility. By this letter, U.S. EPA notifies you of your client's potential liability with regard to this matter and encourages your client, as a potentially responsible party, to agree to reimburse U.S. EPA for costs incurred to date and to voluntarily perform or finance the response activities which U.S. EPA has determined or will determine are required at the facility. U.S. EPA is willing to discuss with your client the entry of an appropriate administrative consent order under which your client would perform or finance response activities and reimburse U.S. EPA for its costs. If a consent order cannot be promptly concluded, U.S. EPA may issue a unilateral order under Section 106 of CERCLA, requiring your client to perform specified work. Under Sections 106 and 107 of CERCLA, your client may be liable for reimbursement of U.S. EPA's costs, for statutory penalties, and for treble damages for noncompliance with such an order. If your client is a qualified small business, enclosed is an U.S. EPA Small Business Regulatory Enforcement Fairness Act (SBREFA) information sheet which may be helpful if you are subject to an U.S. EPA enforcement action.

Because of the conditions described above, U.S. EPA believes that response activities at the Site

must be initiated as quickly as possible. Therefore, U.S. EPA does not intend to utilize the special notice procedures available under Section 122(e) of CERCLA.

As a potentially responsible party, your client should notify U.S. EPA in writing within fifteen (15) days of receipt of this letter of your client's willingness to perform or finance the activities described above and to reimburse U.S. EPA for its costs. The response should be sent to:

Kaushal Khanna, Enforcement Specialist
U.S.EPA – Region 5
Emergency Enforcement Services Section (SE-5J)
77 West Jackson Boulevard
Chicago, IL 60604-3590

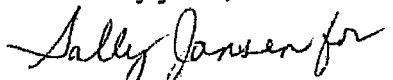
If U.S. EPA does not receive a timely response, U.S. EPA will assume that your client does not wish to negotiate a resolution of their potential responsibility in connection with the Site and that your client declined any involvement in performing the response activities.

Your client's response should indicate an appropriate name, address, and telephone number for further contact. If your client is already involved in discussions with State or local authorities or involved in a lawsuit regarding this facility, your client may continue such activities as they see fit. This letter is not intended to advise your client or direct you to counsel your client to restrict or discontinue any such activities already underway. You are advised, however, to report the status of those discussions or actions that you have with State and local authorities in your response to this letter and to provide a copy of the response to any other parties involved in those discussions or actions.

If you need further information regarding this letter, you may contact Mr. Reginald Pallesen of the U.S. EPA, Office of Regional Counsel at 312-886-0555, or Ms. Kaushal Khanna of the Emergency and Enforcement Services Section at 312-353-2663. For technical questions, you may contact U.S. EPA On-Scene Coordinator Brian Kelly at (734) 692-7684.

Due to the nature of the problem at this facility and the attendant legal ramifications, U.S. EPA strongly encourages your client to submit a written response within the time frame specified here. We hope your client will give this matter immediate attention.

Sincerely yours,


Linda M. Nachowicz, Chief
Emergency Response Branch

Enclosure: SBREFA

LIST OF PRP SENT GENERAL NOTICE LETTER

Keith Bouquet
Southern Illinois Railcar
SC Rail Leasing America, Inc.
1803 Ramada Blvd, Suite 8201
Collinsville, IL 62234



Office of Enforcement and Compliance Assurance
INFORMATION SHEET

U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance resources such as workshops, training sessions, hotlines, websites, and guides to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance, and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Compliance Assistance Centers

(www.assistancecenters.net)

In partnership with industry, universities, and other federal and state agencies, EPA has established Compliance Assistance Centers that provide information targeted to industries with many small businesses.

Agriculture

(www.epa.gov/agriculture or 1-888-663-2155)

Automotive Recycling Industry

(www.ecarcenter.org)

Automotive Service and Repair

(www.ccar-greenlink.org or 1-888-GRN-LINK)

Chemical Industry

(www.chemalliance.org)

Construction Industry

(www.cicacenter.org or 1-734-995-4911)

Education

(www.campuserc.org)

Healthcare Industry

(www.hercenter.org or 1-734-995-4911)

Metal Finishing

(www.nmfrc.org or 1-734-995-4911)

Paints and Coatings

(www.paintcenter.org or 1-734-995-4911)

Printed Wiring Board Manufacturing

(www.pwbrc.org or 1-734-995-4911)

Printing

(www.pneac.org or 1-888-USPNEAC)

Transportation Industry

(www.transource.org)

Tribal Governments and Indian Country

(www.epa.gov/tribal/compliance or 202-564-2516)

US Border Environmental Issues

(www.bordercenter.org or 1-734-995-4911)

The Centers also provide State Resource Locators

(www.envcap.org/statetools/index.cfm) for a wide range of topics to help you find important environmental compliance information specific to your state.

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page

www.epa.gov

Small Business Gateway

www.epa.gov/smallbusiness

Compliance Assistance Home Page

www.epa.gov/compliance/assistance

Office of Enforcement and Compliance Assurance

www.epa.gov/compliance

Voluntary Partnership Programs

www.epa.gov/partners



U.S. EPA SMALL BUSINESS RESOURCES

Hotlines, Helplines & Clearinghouses

(www.epa.gov/epahome/hotline.htm)

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. A few examples are listed below:

Clean Air Technology Center

(www.epa.gov/ttn/catc or 1-919-541-0800)

Emergency Planning and Community Right-To-Know Act

(www.epa.gov/superfund/resources/infocenter/epcra.htm or 1-800-424-9346)

EPA's Small Business Ombudsman Hotline provides regulatory and technical assistance information.

(www.epa.gov/sbo or 1-800-368-5888)

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers (www.epa.gov/clearinghouse)

National Response Center to report oil and hazardous substance spills.

(www.nrc.uscg.mil or 1-800-424-8802)

Pollution Prevention Information Clearinghouse

(www.epa.gov/ppp/infir/ppic or 1-202-566-0799)

Safe Drinking Water Hotline

(www.epa.gov/safewater/hotline/index.html or 1-800-426-4791)

Stratospheric Ozone Refrigerants Information

(www.epa.gov/ozone or 1-800-298-1996)

Toxics Assistance Information Service also includes asbestos inquiries.

(1-202-554-1404)

Wetlands Helpline

(www.epa.gov/owow/wetlands/wetline.html or 1-800-832-7828)

State Agencies

Many state agencies have established compliance assistance programs that provide on-site and other types of assistance. Contact your local state environmental agency for more information or the following two resources:

EPA's Small Business Ombudsman

(www.epa.gov/sbo or 1-800-368-5888)

Small Business Environmental Homepage

(www.smallbiz-enviroweb.org or 1-724-452-4722)

Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated,

businesses may be eligible for penalty waivers or reductions. EPA has two policies that potentially apply to small businesses:

The Small Business Compliance Policy

(www.epa.gov/compliance/incentives/smallbusiness)

Audit Policy

(www.epa.gov/compliance/incentives/auditing)

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established an SBA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System (NAICS) designation, number of employees, or annual receipts, defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit comments to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.